

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14908 of 2004

Between:

G. Sudhakar, S/o Chandramouli,
R/o Vijayawada, Krishna District.

..... PETITIONER

AND

The Deputy Transport Commissioner & Secretary , Regional Transport
Authority, Krishna District at Vijayawada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Certiorari, calling for the records relating to the impugned order of the respondent vide Proceedings No. 228/A3/2002, dated 8-7-2004 and quash the same as illegal arbitrary and contrary to law and consequently direct the respondent herein to refund the excess amount payable to the petitioner herein from out of the amount of Rs. 1,53,000/- deposited by the petitioner herein on 23-7-2003 in respect of his Contract Carriage Bus - AP.13/T.6868, together with interest thereon from the date of deposit till the date of payment to the petitioner forthwith.

Counsel for the Petitioner:MR.E.MARUTHI RAJA

Counsel for the Respondent No.: SPL. GP FOR TAXES

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice Bilal Nazki).

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

The order of the Deputy Transport Commissioner, Regional Transport Authority, Krishna District, Vijayawada is challenged in this writ petition.

In the order, the Officer concerned has relied on G.O.Ms.No.77, dated 01-06-2002. This G.O was subject matter of a writ petition, which was decided by a Larger Bench of this Court reported in ***L.Royal Reddy and others Vs. Government of A.P.***. We feel that the authorities concerned have not taken into consideration this judgment.

In these circumstances, we set aside the order and direct the authorities below to pass fresh order after taking into consideration the judgment of this Court referred to supra.

The writ petition is accordingly disposed of. No order as to costs.

(BILAL NAZKI, J)

28th September, 2004.

(S.ANANDA REDDY, J)

vrn

To

1 The Deputy Transport Commissioner & Secretary , Regional
Transport Authority, Krishna District at Vijayawada.

2 Two C.Cs to the Spl. Government Pleader for Taxes, High Court
of A.P., Hyderabad (OUT)

3 Two C.D copies